

In the Matter of ARMOUR AND COMPANY *and* UNITED PACKING HOUSE  
WORKERS INDUSTRIAL UNION LOCAL 153, AFFILIATED WITH C. I. O.

In the Matter of ARMOUR AND COMPANY *and* UNITED PACKING HOUSE  
WORKERS LOCAL INDUSTRIAL UNION No. 153 THROUGH PACKING  
HOUSE WORKERS ORGANIZING COMMITTEE AFFILIATED WITH C. I. O.

*Cases Nos. C-661 and R-1309, respectively*

SUPPLEMENTAL DECISION  
AND  
CERTIFICATION OF REPRESENTATIVES

*October 3, 1939*

On August 15, 1939, the National Labor Relations Board, herein called the Board, issued its Decision, Order, and Direction of Election<sup>1</sup> in the above-entitled cases. On August 19, 1939, the Board issued an Amendment to Direction of Election.<sup>2</sup> The Direction of Election, as amended, provided that an election by secret ballot be conducted within fifteen (15) days from the date of the Amendment to Direction of Election among the hourly paid and piece-work production and maintenance employees of Armour and Company, Omaha, Nebraska, herein called the respondent, who were employed by it at the Omaha plant during the pay-roll period immediately preceding the date of the Amendment to Direction of Election, including employees who did not work during such a pay-roll period because they were ill or on vacation and employees who were laid off within sixty (60) days prior to said pay-roll period, but excluding foremen, foreladies, and assistant foremen, gang leaders, all other employees in a supervisory capacity, clerical and office workers, scalers, checkers, yardmasters, students, policemen and watchmen, firemen, restaurant employees, car-line employees, workers in the employees' and wholesale markets, truck drivers, general office garage employees, employees in country trucking, and also excluding those

<sup>1</sup> 14 N. L. R. B. 682.

<sup>2</sup> 14 N. L. R. B. 703.

15 N. L. R. B., No. 93.

employees who have since quit or been discharged for cause, to determine whether or not they desired to be represented by Local Union No. 8, United Packinghouse Workers of America, of the Packinghouse Workers Organizing Committee, affiliated with the Congress of Industrial Organizations, herein called the United for the purposes of collective bargaining.

On August 28, 1939, the International Association of Machinists, herein called the I. A. M., which had not been served with notice of hearing in the case and had not participated therein, filed a petition for intervention, alleging that the machinists, machine erectors, and maintenance employees constituted an appropriate unit; that such employees had been members of the I. A. M. for many years and desired to be represented by it; and that such employees should not be included in one unit with the other employees named in the Direction of Election. On August 29, 1937, the Board notified the Acting Regional Director for the Seventeenth Region that the Board would not pass upon the petition of the I. A. M. until further proceedings, but that the employees in the unit claimed by the I. A. M. should be given opportunity to vote for the I. A. M. if they so desired and that the ballots cast by such employees should be segregated and not counted until after a determination by the Board relative to the petition of the I. A. M.

On August 30, 1939, prior to the election, the I. A. M. informed the Acting Regional Director that it waived all claim to represent any machinery erection and maintenance employees other than those classified as machinists.

Pursuant to the Direction of Election, as amended, and the supplemental instructions to the Acting Regional Director, an election by secret ballot was conducted on August 30, 1939, under the direction and supervision of the Acting Regional Director. Prior to the time the six machinists employed by the Company cast their ballots each was handed written instructions which stated that, if he so desired, he could write in on his ballot the selection of International Association of Machinists, Lodge No. 31, as his choice as bargaining representative. The instructions also outlined the manner in which a machinist could designate the United or cast a ballot for neither organization.

On September 1, 1939, the Regional Director, acting pursuant to Article III, Section 7, of National Labor Relations Board Rules and Regulations—Series 2, issued and served upon the parties an Election Report. No objections to the Election Report have been filed by any party.

As to the results of the secret ballot, the Regional Director reported as follows:

Total number eligible (excluding machinists)-----	1, 457
Total number eligible among machinists-----	6
Total number of ballots in favor of Local Union No. 8-----	748
Total number of ballots against Local Union No. 8-----	509
Number of challenged ballots-----	53
Number of blank ballots-----	3
Number of void ballots-----	0
Total number of ballots cast (excluding machinists)-----	1, 313
Total number of ballots cast by machinists-----	6
Total number of ballots cast-----	1, 319

We are unable at this time to decide the issues raised by the petition of the I. A. M. for intervention, but shall direct that an additional hearing be held at which the parties may adduce evidence with regard to whether the machinists should be established as a separate unit or included in the larger unit. We do not think, however, that the Board should withhold the benefits of collective bargaining from the other employees pending a determination of this issue. We shall, therefore, issue a certification applicable to the employees other than the machinists. When the Board has made a final determination as to the machinists, it will, if it finds that such employees either constitute a separate appropriate unit or should be included in one unit with the other employees, issue another certification embodying that finding.

Upon the entire record in the case, the Board makes the following:

#### SUPPLEMENTAL FINDINGS OF FACT

In order to insure to employees of the respondent the full benefit of their right to self-organization and to collective bargaining, and otherwise to effectuate the policies of the Act, and subject to our further decision regarding the machinists, we find that hourly paid and piece-work production and maintenance employees of the respondent at its Omaha plant, excluding foremen, foreladies, and assistant foremen, gang leaders, all other employees in a supervisory capacity, clerical and office workers, scalers, checkers, yardmasters, students, policemen and watchmen, firemen, restaurant employees, car-line employees, workers in the employees' and wholesale markets, truck drivers, general office garage employees, employees in country trucking, and machinists, constitute a unit appropriate for the purposes of collective bargaining.

Upon the basis of the above findings of fact and upon the entire record in the case, the Board makes the following:

## SUPPLEMENTAL CONCLUSIONS OF LAW

The hourly paid and piece-work production and maintenance employees of the respondent at its Omaha plant, excluding foremen, foreladies, and assistant foremen, gang leaders, all other employees in a supervisory capacity, clerical and office workers, scalers, checkers, yardmasters, students, policemen and watchmen, firemen, restaurant employees, car-line employees, workers in the employees' and wholesale markets, truck drivers, general office garage employees, employees in country trucking, and machinists, constitute a unit appropriate for the purposes of collective bargaining.

## CERTIFICATION OF REPRESENTATIVES

By virtue of and pursuant to the power vested in the National Labor Relations Board by Section 9 (c) of the National Labor Relations Act, 49 Stat. 449, and pursuant to Article III, Sections 8 and 9, of National Labor Relations Board Rules and Regulations—Series 2,

IT IS HEREBY CERTIFIED that Local Union No. 8, United Packinghouse Workers of America, of the Packinghouse Workers Organizing Committee, affiliated with the Congress of Industrial Organizations, has been designated and selected by a majority of the hourly paid and piece-work production and maintenance employees of Armour and Company, Omaha, Nebraska, excluding foremen, foreladies, and assistant foremen, gang leaders, all other employees in a supervisory capacity, clerical and office workers, scalers, checkers, yardmasters, students, policemen and watchmen, firemen, restaurant employees, car-line employees, workers in the employees' and wholesale markets, truck drivers, general office garage employees, employees in country trucking, and machinists, as their representative for the purposes of collective bargaining, and that, pursuant to Section 9 (a) of the Act, Local Union No. 8, United Packinghouse Workers of America, of the Packinghouse Workers Organizing Committee, affiliated with the Congress of Industrial Organizations, is the exclusive representative of all such employees for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, and other conditions of employment.

MR. WILLIAM M. LEISERSON took no part in the consideration of the above Supplemental Decision and Certification of Representatives.